

1 **FREEMAN MATHIS & GARY, LLP**
2 SAMUEL Y. EDGERTON (CA Bar No. 127156)
3 sedgerton@fmglaw.com
4 THEODORE C. PETERS (CA Bar No. 235115)
5 tpeters@fmglaw.com
6 2615 Pacific Coast Highway, Suite 300
7 Hermosa Beach, California 90254
8 Tel: (310) 937-2066 | Fax: (310) 937-2064

9 Attorneys for Defendant, Lawrence J. Gerrans

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

12 Plaintiff,

13 vs.

14 **LAWRENCE J. GERRANS,**

15 Defendant.

Case No. 3:18-CR-00310-EMC
[Honorable Edward M. Chen in
Courtroom 5]

16 **DECLARATION OF SAMUEL Y.
EDGERTON, III IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL OF RECORD FOR
DEFENDANT LAWRENCE
GERRANS**

17 [Filed concurrently with Notice of
18 Motion and Motion to Withdraw,
19 Memorandum of Points and
Authorities in Support of Motion, and
[Proposed] Order]

20 **DATE: September 19, 2018**
21 **TIME: 2:30 p.m.**
22 **COURTROOM: 5**

23 **FREEMAN MATHIS & GARY, LLP**
24 **2615 Pacific Coast Hwy, Suite 300**
25 **Hermosa Beach, CA 90254**

DECLARATION OF SAMUEL Y. EDGERTON, III

I, Samuel Y. Edgerton, declare as follows:

1. I am an attorney at the firm of Freeman Mathis & Gary, LLP ("FMG"), which represents Defendant, Lawrence Gerrans, with respect to the above-captioned matter.

2. I make this declaration in support of FMG's motion to withdraw as counsel for Defendant based on my own personal knowledge or, where specified, on information and belief based on documents and statements that I believe to be true and accurate.

History of FMG's Representation of Defendant

3. FMG was initially retained to represent Defendant through an assignment of defense counsel by Defendant's insurance carrier, Scottsdale Insurance Company ("Scottsdale"), on or about August 13, 2018.

4. FMG serves as panel counsel for Scottsdale. At material times, Defendant and his company, Sanovas, Inc., were covered under an errors and omissions policy of insurance underwritten by Scottsdale.

5. On or about August 23, 2018, Defendant and FMG were advised that, upon further review and analysis, Scottsdale had determined that no coverage was available, and that Scottsdale thus had no coverage or defense obligations under Defendant's policy.

6. As an accommodation to Defendant, Scottsdale agreed to continue paying Defendant's defense costs incurred to date and through and including September 30, 2018.

7. Upon learning of Scottsdale's withdrawal of coverage, FMG immediately notified Defendant that Defendant would need to make alternative financial arrangements in order for FMG to continue as Defendant's counsel of record.

8. Ultimately, no workable financial arrangement could be reached

1

2

1 whereupon FMG advised Defendant that he would need to retain substitute
2 counsel going forward.

3 9. In the interim, FMG has continued to represent Defendant to its fullest
4 ability and I have repeatedly advised Defendant that I will work with Defendant's
5 newly retained counsel in order to effectuate a smooth transition between counsel.

6 **Withdrawal Will Not Have an Injurious Effect in this Litigation**

7 10. I believe that FMG's withdrawal will not have an injurious effect on
8 Defendant, and will not delay the progress of this case, for three reasons.

9 11. First and foremost, FMG cannot continue to represent Defendant's
10 interests due to the inability of FMG and Defendant to agree upon the financial
11 arrangements of such representation.

12 12. Second, I am informed and believe that Defendant is making arrangements
13 for the appointment of substitute counsel. FMG stands ready to assist such
14 substitute counsel and I will continue to provide services to Defendant and his
15 newly appointed counsel through September 30, 2018.

16 13. Third, Defendant's new counsel will suffer no prejudice if FMG is
17 permitted to withdraw as counsel for Defendant insofar as this case is still in its
18 infancy. There have been no procedural or substantive events or developments to
19 date that will impair substitute counsel's ability to represent Defendant's interests.
20 For the same reasons, the United States will suffer no prejudice if FMG is
21 permitted to withdraw as counsel for Defendant.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

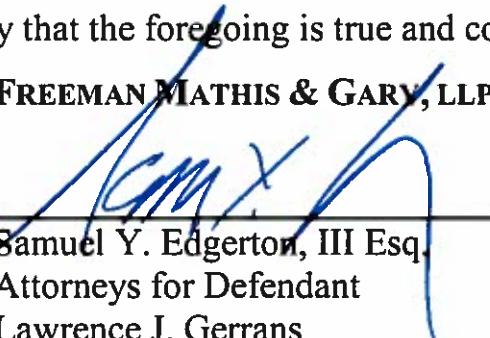
28 ///

1 14. Accordingly, on behalf of Freeman Mathis & Gary, LLP, I respectfully
2 request leave of this Court to withdraw as counsel for Defendant in this action.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 DATED: September 18, 2018

FREEMAN MATHIS & GARY, LLP

5 By: 

6 Samuel Y. Edgerton, III Esq.
7 Attorneys for Defendant
8 Lawrence J. Gerrans

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FREEMAN MATHIS & GARY, LLP
2615 Pacific Coast Hwy, Suite 300
Hermosa Beach, CA 90254

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 2615 Pacific Coast Highway, Suite 300, Hermosa Beach, California 90254.

On September 18, 2018, I served the following document described as:

**DECLARATION OF SAMUEL Y. EDGERTON IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR
DEFENDANT LAWRENCE GERRANS**

were or will be served via ECF to recipients on Electronic Mail Notice List
The following are those who are currently on the list to receive e-mail notices for
this case.

- David Countryman – David.countryman@usdoj.gov, Brenda.lukaitis@usdoj.gov, carolyn.jusay@usdoj.gov, caseview.ecf@usdoj.gov
- Robin L. Harris – Robin.Harris2@usdoj.gov

Additionally served on the interested parties in this action by placing the true copies thereof enclosed in sealed envelopes as follows:

PLEASE SEE ATTACHED SERVICE LIST

- By U.S. Mail:** I deposited such envelopes in the mail at Hermosa Beach, California. The envelopes were mailed with postage thereon fully prepaid.
- By Personal Service:** I caused such envelope to be delivered by hand to the individuals at the addresses listed.
- By Facsimile Machine:** I caused the above-referenced document(s) to be transmitted to the above-named person at the following telephone number above.
- By Electronic Mail:** I caused the above-referenced document(s) to be transmitted to the above-named person at the following addresses.
- (FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED on September 18, 2018, at Hermosa Beach, California.

Johanna Ramirez
5

1 **SERVICE LIST**

2 USA v. GERRANS

3 *USDC Case No. 3:18-cr-00310-EMC*

4 David Countryman
5 Robin L. Harris
6 U.S. Department of Justice
7 11th Floor, Federal Building
8 450 Golden Gate Avenue, Box 36055
9 San Francisco, CA 94102-3495
10 Tel: (415) 436-7200
11 Fax (415) 436-7234

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FREEMAN MATHIS & GARY, LLP
2615 Pacific Coast Hwy, Suite 300
Hermosa Beach, CA 90254